

### **REMARKS**

This amendment is responsive to the Office Action of October 6, 2008. Reconsideration and allowance of **claims 1-4 and 8-15** are requested.

### **The Office Action**

Claims **1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (U.S. Patent No. 6,463,445 herein Suzuki).

### **The Present Application**

The present application is directed to a method of determining whether an encoded signal has been encoded by a particular type of encoder. The method comprises the steps of receiving at least a part of the encoded signal; decoding the received signal using a decoder which performs the reverse operation of the particular type of encoder, deriving a fingerprint from the decoded signal; comparing the derived fingerprint with fingerprints stored in a database; and concluding whether the encoded signal has been encoded with the particular type of encoder based on whether the derived fingerprint corresponds to one of the fingerprints stored in the database.

The above description of the present application is presented to the Examiner as background information to assist the Examiner in understanding the application. The above description is not used to limit the claims in any way.

### **The References of Record**

**Suzuki** is directed to a multimedia information retrieval system and method including a method and system for automatic format conversion. The system and method comprises a data structure that is associated with each multimedia bitstream. The data structure identifies the encoding format used in the multimedia bitstream which is originated by a contents server. An automatic format conversion process then queries information from the client and also receives the data structure identifying the encoding format. The client information identifies the decoding format. The automatic format conversion determines the transcoding process required for converting the bitstream from its encoded format to the format recognized by the client system.

**The Claims Distinguish Patentably  
Over the References of Record**

**Claims 1-8** are not anticipated by Suzuki.

More specifically, regarding **claim 1**, Suzuki does not disclose “deriving a fingerprint from the decoded signal”, “comparing said fingerprint with fingerprints stored in a database”, and “concluding that the encoded signal has been encoded with said particular type of encoder if the derived fingerprint corresponds to one of the fingerprints stored in the database.” The Examiner refers Applicant to Col. 3 lines 37-49, Col. 6 lines 2-4, Col. 8 lines 52-59, and Col. 12 lines 41-67 which discloses a multimedia information retrieval method for automatically converting a bitstream, requested by a client, from its original encoded format stored in a server to a format that is recognized and can be used by the client. More specifically, Suzuki discloses a client communicating client information and multimedia requests to a data access server. The client information contains information identifying which encoding/decoding formats are compatible with the client. In response to the client request the data access server accesses an encoded bitstream from a content server. The data access server then uses the client information and decodes the encoded bitstream from the content server and converts the bitstream to an encoded format that is compatible with the client.

It is respectfully submitted that Suzuki does not disclose extracting a fingerprint from a decoded signal. Nor does Suzuki disclose comparing the fingerprint to other fingerprints stored in a database.

Accordingly it is submitted that independent **claim 1** and **claims 2-4** that depend therefrom distinguish patentable over the references of record.

**Claim 8** calls for deriving a fingerprint from a decoded signal and then comparing the fingerprint with other fingerprints stored in the server's database to determine whether the signal was encoded with a particular type of encoder. It is respectfully submitted that Suzuki does not teach or disclose deriving a fingerprint from a decoded signal nor compare the selected fingerprint with fingerprints in a server's database.

**Claim 9** calls for a fingerprint extraction unit configured to extract a fingerprint from a decoded file and a processor configured to compare the extracted fingerprint with other fingerprints stored in a database. It is respectfully submitted

that Suzuki does not teach or disclose comparing fingerprints extracted from a decoded file with fingerprints stored in the server's database.

Accordingly it is submitted that independent **claim 9** and **claims 10-15** that depend therefrom distinguish patentable over the references of record.

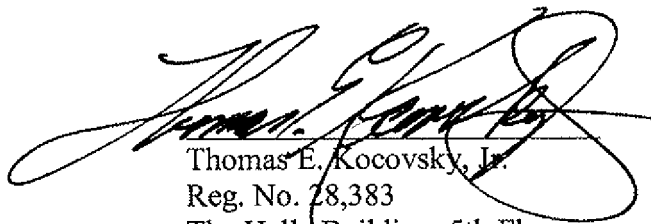
### **CONCLUSION**

For the reasons set forth above, it is submitted that **claims 1-4 and 8-15** (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the printed name and address.

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